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27, 1914, went farther and provided that when it was found that the offence was committed with intent to assist the enemy, "a person convicted of such an offence by a court-martial shall be liable to suffer death"—and this though the ordinary courts were in normal session. It would be difficult to conceive of a more flagrant violation of the "rule of law", and it did not pass unchallenged. On the contrary, it encountered spirited opposition in the House of Lords. "What we want", said Lord Bryce, "is to safeguard the liberties of our fellow-citizens in the future from the possibility of its ever being said hereafter that Parliament intrusted Courts-Martial with the jurisdiction of life and death over British subjects at a time when there was neither invasion nor civil war." So determined was the opposition of the Lords that the Lord Chancellor gave a pledge that no British subject, not under military law, would, in fact, be deprived of life under this provision until Parliament had had time to consider the matter again. With this understanding—of which Professor Fairlie, by the way, makes no mention—the bill was passed.

In an account such as the author has prepared—professedly a preliminary report—one does not look for interpretation, but he has a right to demand strict accuracy in the statement of fact. In the chapter on the Cabinet a number of errors have been noted. Mr. Bonar Law did not retire from the War Cabinet in July, 1917, as stated on pages 40, 50 and 53. As a matter of fact Mr. Law continued to be a member of the War Cabinet as long as it lasted. Lord Milner did not retire in May, 1918, as stated on page 53, where mention is omitted of the resignation of Sir Edward Carson in January, 1918. The author does not seem to have understood the position of General Smuts in the War Cabinet, and his name is not included in the list of its members given on page 53. On the whole, however, Professor Fairlie has done with credit a piece of work that was eminently worth doing.

R. L. Schuyler.

THE RENOVATION OF INTERNATIONAL LAW. By PROF. DR. D. JOSEPHUS JITTA. The Hague: MARTINUS NIJHOFF. 1919. pp. xvi, 196.

The author proposes the renovation of international law on the basis of a "juridical community of mankind" as distinguished from the community of nations. He seems first to have conceived this idea in the study of what is variously called "Private International Law," "International Private Law," and "the Conflict of Laws," which is not international in the sense of being a law between nations, except so far as conventional agreements for the observance of certain rules have to a very slight extent made it so.

To extend this conception to what is properly called "International Law" evidently involves a radical change rather than a renovation. The author treats sovereignty as belonging to "mankind" and regards state sovereignty as admissible only as "an immediate tenure of mankind." Absolutely separating from international law the "positive law of war", the rules of which cannot, he affirms, be deduced from "reasonable principles of social life", he would bring everything else to the test of such principles. In order that he may not be called a "dreamer", he concedes that "the reasonable principles of social life are absolutely subordinated to the positive customary or written law," but he maintains, on the other hand, that they "are also the touchstone of the

righteousness of the positive law and the final aim of its evolution," and that "a renovation of the international law" may therefore be founded on them.

To a certain extent the author ventures to furnish us with these invaluable criteria. As one might expect, they embrace rules which he himself regards as "reasonable." But our gratitude is often qualified by difficulty in following him. In discussing the thorny subject of frontiers, he observes that they have not been traced with regard to the general welfare; that conquest has been the main factor; and that, while "historical causality has weighed territorial and personal elements, Mars has thrown his sword into the scale, so that modifications may or may not have been in the direction of "reasonable principles". This leaves us on uncertain ground; and our perplexities are increased by the further remark that some assert that "the finger of the Almighty has traced the boundaries of states."

The author discusses the question of nationality, but offers no solution of its difficulties. The same thing may be said of his treatment of the subject of envoys and consuls. Under the head of "the general direction of public affairs of mankind" he discusses "international administrative law", and in conclusion asks "May the germs of an evolution be ascertained?" He replies, "I am inclined to give an affirmative answer but the germs are very, very small almost microscopic." So, in treating of conflicts in taxation, he remarks "Are there any germs of an evolution? They are to be found, but they are very, very small." Naturally, he does not fail to perceive the part played by patriotism in international affairs. The view he takes is that "patriotism, considered as a pleasant sensation," is "compatible with the paramount power of mankind."

These examples furnish an indication of the character of the author's thesis and of his method of presentation. More than half of the volume is devoted to topics in the domain of international private law.

John Bassett Moore.

YEAR BOOKS OF EDWARD II. Vol. XV, 6 and 7 Edward II, A. D. 1313. Edited by WILLIAM C. BOLLAND. London: B. QUARITCH. 1918. SELECT CASES BEFORE THE KING'S COUNCIL. 1243-1482. Edited by I. S. LEADAM and J. F. BALDWIN. Cambridge: HARVARD UNIVERSITY PRESS. 1918.

A review never can do full justice to a book of worth. Much less can one evaluate in a few paragraphs two such volumes as numbers 35 and 36 of the Publications of the Selden Society. Founded in 1887 to encourage the study and advance the knowledge of the history of English law, the Society has issued one volume every year, and in some years, two volumes. This record has been kept up in spite of the world war, two volumes being issued for the year 1918,—one of them edited by an American, and, to overcome existing difficulties of transportation, published by the Harvard University Press. No greater evidence could be given of the sincerity and abiding faith of the directors of the Society than this persistent recurrence to history at a time when the lessons of history seemed to have been forgotten.

The Year Books Series was begun in 1903 as No. XVII of the Publication, and the twelve volumes already published are all of the reign